

STACY K. HIGA
Chair & Presiding Officer

VIRGINIA ISBELL
Vice Chair



JAMES Y. ARAKAKI
PETE HOFFMANN
FRED C. HOLSCHUH, M.D.
DONALD IKEDA
BOB JACOBSON
K. ANGEL PILAGO
GARY SAFARIK

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

13th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, June 1, 2005
9:00 a.m.

INVOCATION

Pastor Daniel Tomita of Kino'ole Baptist Church
Reverend Tim Carigon of Hilo Missionary Church

CALL TO ORDER

9:08 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

April 20, 2005 - **APPROVED**

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

9:00 A.M.: STATEMENTS FROM THE PUBLIC ON COMMS. 197.1 and 281:

Comm. 197.1: REQUEST FOR AUTHORIZATION TO HIRE SPECIAL COUNSEL (THREAT OF LAWSUIT BY HOKULI'A LOT OWNERS)
From Corporation Counsel Lincoln S. T. Ashida, dated May 23, 2005, seeking authorization for the hiring of Special Counsel to assist their Litigation Division in the defense of any claims and/or lawsuits filed against the County of Hawai'i by the Hokuli'a owners.

Waived: FC

APPROVED

Comm. 281: NOMINATES THE FOLLOWING INDIVIDUALS TO THE TRANSPORTATION COMMISSION: MS. JUNE RABAGO (COUNCIL DISTRICT 1), MS. BILLIE KEAWEKANE (COUNCIL DISTRICT 4), AND MR. ROBERT WARD (COUNCIL DISTRICT 7)
From Mayor Harry Kim, dated May 17, 2005, transmitting for Council's consideration and approval the above nominations.

Waived: FC

APPROVED

9:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF RESOLUTIONS

ORDER OF RESOLUTIONS

Res. 91-05: Commits to Funding the Cost Items Awarded by Arbitration to the Hawai'i Government Employees Association (HGEA) Units 02, 03, 04, 13 and Employees Excluded From Those Units for the Contract Period July 1, 2005 Through June 30, 2007. {Cost items are across-the-board increases and step movements.}

Re: Comm. 254
Intr. by: Ms. Isbell
Approve: FC-100

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 93-05: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year (five years) Subscription Agreement to Westlaw. {Funds would be used for the Westlaw online legal research service subscription for the Office of the Prosecuting Attorney. }

Re: Comm. 261
 Intr. by: Ms. Isbell
 Approve: FC-102

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 96-05: Creates a Planner V Position for the Department of Planning (West Hawai'i Office). {This position would be the primary contact for the initial community development plans to implement the General Plan for the North and South Kona Districts and the duties would include the coordination and implementation of community development plans and the processing of permit applications. }

Re: Comm. 266
 Intr. by: Ms. Isbell
 Approve: FC-103

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED:Council Member Holschuh – 1.

Res. 97-05: Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year Lease (five years) of Real Property for the Department of Research and Development's Kona Office. {This office would serve as the centralized location for the Department's Kona staff, provide space for a Resource Center to serve the west side, and provide for an office for the Mass Transit Agency to serve North and South Kona. }

Re: Comm. 267
 Intr. by: Ms. Isbell
 Approve: FC-104

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED:Council Member Holschuh – 1.

Res. 98-05: Approves the Cost Items Agreed Upon by the Employers and the United Public Workers (UPW) Affecting UPW Unit 01 and Employees Excluded From Bargaining Unit 01 for the Contract Period July 1, 2005 Through June 30, 2007. {Cost items are two across-the-board increases for each year of the agreement. }

Re: Comm. 268
 Intr. by: Ms. Isbell
 Approve: FC-105

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 99-05: Amends Resolution No. 4-04, the Rules of Procedure of the Council of the County of Hawai'i. {Proposed amendments reflect the majority of the discussion that occurred in prior meetings of the Committee on Finance. }

Re: Comm. 240.2
 Intr. by: Mr. Higa
 Approve: FC-107

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 8.

NOES: Council Member Safarik – 1.

ABSENT & EXCUSED:None.

Res. 101-05: Determines the Real Property Tax Rates for the County of Hawai'i for the fiscal Year July 1, 2005, to June 30, 2006;

Re: Comm. 275
 Intr. by: Ms. Isbell (B/R)
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 275.1: From John Totten, dated May 13, 2005; *and*

Comm. 275.2: From Marshall Blann, dated May 10, 2005.

Res. 105-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$8,027.30 out and from Clerk-Council Services – Contingency Relief account; credits same to Police Administration Division Other Current Expense (Police Department, Animal Traps) account. }

Re: Comm. 289
Intr. by: Mr. Jacobson
Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 106-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$30,860 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Capital Projects Fund Department of Parks and Recreation (Pu'u Nui Park – Waikoloa Skateboard Park) account. Funds would be used to construct and operate the Waikoloa Skateboard Park. }

Re: Comm. 291
Intr. by: Mr. Hoffmann
Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

9:30 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 66 Amends Chapter 2, Article 17, Section 2-104 of the Hawai'i County Code,
(Draft 2): Relating to Fees for Copies of Public Records.

Re: Comm. 178.3
Intr. by: Mr. Jacobson
Approve: FC-108

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 79
(Draft 2):

Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i for the Purpose of Acquiring Land for Public Access, Open Space and Natural Resource Preservation; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for Their Sale to the Public; and Authorizes the Issuance and Sale of a Like Principal Amount of General Obligation Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds. {Funds would be used to acquire lands or property with priority given to coastal lands, which would address the needs for the preservation of coastal areas, open space, cultural and historic sites, recreation areas, natural resources; as well as provisions of public access to the ocean, mountains, recreation, hunting, and gathering areas.};

Re: Comm. 209.6
Intr. by: Mr. Jacobson
Negative: FC-99 (due to a vote of 4 ayes, 4 noes, & 1 excused)
Postponed: May 18, 2005

and

Comm. 209.8:

From Council Member Bob Jacobson, dated May 23, 2005, transmitting Bill 79, Draft 3. Draft 3 changes the bond amount from \$10,000,000 to \$13,000,000 and adds that the bonds shall be sold only after a prioritized list of qualifying lands is developed; *and*

Bill 79
(Draft 3):

Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i for the Purpose of Acquiring Land for Public Access, Open Space and Natural Resource Preservation; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for Their Sale to the Public; and Authorizes the Issuance and Sale of a Like Principal Amount of General Obligation Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds.

Intr. by: Mr. Jacobson

AMENDED TO DRAFT 3 AND POSTPONED

Bill 88: Amends Section 25-8-13 (Puako-Anaehoomalu Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Multiple Family Residential (RM-3) and Multiple Family Residential (RM-4) to Single Family Residential (RS-20) at Anaehoomalu, South Kohala, Hawai'i, Covered by Tax Map Key 6-8-33:1-6, 8-14, 16-18, 20-49 (approx. 41.4 acres). {Lot Owners Within the 49 Black Sands Beach at Mauna Lani Subdivision, Applicant.}

Re: Comm. 229
 Intr. by: Mr. Hoffmann and Mr. Pilago
 Approve: PC-19

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 93: Amends Section 25-8-6 (Pahoa Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Single Family Residential (RS-10) to Village Commercial (CV-10) at Nanawale Homesteads, Puna, Hawai'i, Covered by Tax Map Key 1-5-11:10 (approx. 10,410 square feet). {Jeffrey Hunt, Applicant.}

Re: Comm. 242
 Intr. by: Mr. Hoffmann and Mr. Pilago
 Approve: PC-20

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 94: Amends the State Land Use Boundaries Map, H-66 for the County of Hawai'i, by Changing the District Classification From the Agricultural and Urban District to the Urban and Agricultural District at Kalalau, South Hilo, Hawai'i, Covered by Tax Map Keys 2-6-8:Portion of 22 and 2-6-9:Portion of 8 (Parcel "A" approx. 20,084 square feet). {Johanna Leaird and Kamehameha Schools, Applicant.}

Re: Comm. **234 243**
 Intr. by: Mr. Hoffmann and Mr. Pilago
 Approve: PC-21

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 95
(Draft 2): Amends Sections 25-8-32 (South Hilo Zone Map) and 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-20a) and Multiple-Family Residential (RM-1) to Multiple-Family Residential (RM-10) and Agricultural (A-20a) at Kalalau, South Hilo, Hawai'i, Covered by Tax Map Key 2-6-8: Portion of 22 and 2-6-9: Portion of 8 (Parcel "A" approx. 20,084 square feet; and Parcel "B" approx. 1,771). {Johanna Leaird and Kamehameha Schools, Applicant.};

Re: Comm. 243.1
 Intr. by: Mr. Hoffmann and Mr. Pilago
 Approve: PC-22

and

Comm. 243.2: From Planning Committee Co-Chairs Pete Hoffmann and Angel Pilago, dated May 20, 2005, transmitting Bill 95, Draft 3. Draft 3 corrects language within Condition L to make it consistent with a previous amendment; *and*

Bill 95
(Draft 3): Amends Sections 25-8-32 (South Hilo Zone Map) and 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-20a) and Multiple-Family Residential (RM-1) to Multiple-Family Residential (RM-10) and Agricultural (A-20a) at Kalalau, South Hilo, Hawai'i, Covered by Tax Map Key 2-6-8: Portion of 22 and 2-6-9: Portion of 8 (Parcel "A" approx. 20,084 square feet; and Parcel "B" approx. 1,771 square feet). {Johanna Leaird and Kamehameha Schools, Applicant. }

Intr. by: Mr. Hoffmann and Mr. Pilago

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 105: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Fund Balance From Previous Year (\$700,000); appropriates same to Transfer to Housing Fund. Funds would supplement the Housing Assistance Payment program revenues for administrative costs.};

Re: Comm. 270
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-106

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 270.1: From Housing Administrator Edwin S. Taira, dated May 23, 2005.

Bill 109: Amends Chapter 11 of the Hawai'i County Code 1983 (1995 Edition), as Amended, Relating to Affordable Housing by Amending Sections 11-3(3), 11-4(a)(2), 11-15(e) and Section 11-5(c).

Re: Comm. 72.25
 Intr. by: Mr. Hoffmann
 Approve: CHA – March 1, 2005

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 110: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Federal Grants – Occupant Protection Program (\$50,000); appropriates same to Occupant Protection Program. Funds would be used to reduce the fatalities and injuries to front and rear seat occupants aged 17 and under, of motor vehicle collisions by increasing the usage rate of seat belts to 97%.}

Re: Comm. 282
 Intr. by: Ms. Isbell
 Waived: FC

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 111: Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004 to June 30, 2005. {Adds PARKS AND RECREATION: Pu'u Nui Park (Waikoloa Skateboard Park) (\$30,860); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$30,860).}

Re: Comm. 291
 Intr. by: Mr. Hoffmann
 Waived: FC
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

1:30 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Res. 83-05: Authorizes the Acquisition of Private Property by Eminent Domain, Being Lot R-1, Tax Map Key:(3)7-3-010:029, and Road Lot A, Tax Map Key:(3)7-3-010:036 (Portion), Situate at Kalaoa, North Kona, County and State of Hawai'i, for the Development and Construction of a Connector Road Between Kauhale Street and Ahiahi Street, Kona, Hawai'i.

Re: Comm. 225
Intr. by: Mr. Ikeda
1st Reading: May 18, 2005
Note: Second of two required readings, Section 101-13, Hawai'i Revised Statutes

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED:Council Member Holschuh – 1.

Res. 84-05: Authorizes the Acquisition of Private Property by Eminent Domain, Being Road A, Tax Map Key:(3)7-3-005:111, Situate at Kalaoa, North Kona, County and State of Hawai'i, for the Development and Construction of a Connector Road Between Holu Street and Ke'oke'o Street, Kona, Hawai'i;

Re: Comm. 225
Intr. by: Mr. Ikeda
1st Reading: May 18, 2005
Note: Second of two required readings, Section 101-13, Hawai'i Revised Statutes

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 225.9: From Mary Ann Todd-Waller, dated May 19, 2005.

Bill 42
(Draft 3): Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2005, to June 30, 2006. {Proposed \$283,048,832 Operating Budget for the County of Hawai'i. In summary, Draft 3 amendments relate to increases to the following accounts: Fund Balance from Previous Year revenues, Legislative expenditures, Coqui Frog Eradication expenditures, Salary and Wages expenditures, Committee on the Status of Women expenditures, and Legislative Relief expenditures; also, decreases Transfer to Capital Projects Fund expenditures.};

Re: Comm. 124.58
Intr. by: Ms. Isbell (B/R)
Public Hearings: March 14 and 16, 2005
1st Reading: May 18, 2005

AMENDED TO DRAFT 4 & PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 124.50: Proposed amendment introduced by Council Member Bob Jacobson, creating a new Recycling Specialist I position for the Environmental Management Department.

(Note: There is a pending motion by Mr. Jacobson and duly seconded by Mr. Hoffmann to incorporate this amendment, however, this motion was postponed to the June 1st Council meeting pending discussion with Mayor Harry Kim); and

Comm. 124.59: From Environmental Management Director Barbara Bell, dated May 24, 2005, regarding their request to redirect existing funds in the FY 05-06 Operating Budget to create a new Recycling Specialist I position. {Please note that this request was approved by Mayor Harry Kim; and that this measure was introduced by Council Member Bob Jacobson at the Council meeting held on May 18, 2005 (See Comm. 124.50).}

Bill 43
(Draft 3): Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005, to June 30, 2006. {Proposed \$86,278,000 Capital Improvements Project Budget for the County of Hawai'i. Draft 3 increases the total appropriations by \$275,000 for the Waiānuenuue Improvements project.};

Re: Comm. 125.5
Intr. by: Ms. Isbell (B/R)
Public Hearings: March 14 and 16, 2005
1st Reading: May 18, 2005

AMENDED TO DRAFT 4 & PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

and

Comm. 125.6: From Environmental Management Director Barbara Bell, dated May 24, 2005.

Bill 67
(Draft 3): Adopts a Pay Plan for Persons Employed by the County Other Than Those Whose Pay is Otherwise Provided for, Designates Payroll Periods, Pay Days, Prescribes Requirements with Respect to Official Fidelity Bonds, and Repeals Ordinance No. 04-60 and All Amendments Thereto, said Ordinance to be Known as the Salary Ordinance of 2005;

Re: Comm. 179.3
Intr. by: Mr. Higa
1st Reading: May 18, 2005

and

Comm. 179.4: From Council Chair Stacy K. Higa, dated May 23, 2005, transmitting Bill 67, Draft 4. Draft 4 amendments relate to the maximum two-digit alphabet designations for pay grades and the duplicate designation of the pay grade "AA"; *and*

Bill 67
(Draft 4): Adopts a Pay Plan for Persons Employed by the County Other Than Those Whose Pay is Otherwise Provided for, Designates Payroll Periods, Pay Days, Prescribes Requirements with Respect to Official Fidelity Bonds, and Repeals Ordinance No. 04-60 and All Amendments Thereto, said Ordinance to be Known as the Salary Ordinance of 2005.

Intr. by: Mr. Higa

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 78: Amends Chapter 2 of the Hawai'i County Code, as Amended, Relating to Public Access, Open Space, and Natural Resources Preservation Fund. {Creates a permanent funding source, which would be used for acquiring lands or property entitlements for: public outdoor recreation and education, including access to beaches and mountains; preservation of historical or culturally important land areas and sites; protection of natural resources, including buffer zones; preservation of forests, beaches, coastal areas and agricultural lands; protection of watershed lands to preserve water quality and water supply; and public access to, and enjoyment of public lands and open space.};

Re: Comm. 208
Intr. by: Mr. Jacobson
1st Reading: May 4, 2005
Postponed: May 18, 2005

and

Comm. 208.115: From Council Member Bob Jacobson, dated May 23, 2005, transmitting Bill 78, Draft 2. Draft 2 deletes the mandatory 2% of property tax revenue as a dedicated source, requires the Council to appropriate at least \$250,000 from each fiscal year's operating budget, adds impact fees and other exactions levied on developers as sources for this fund, and establishes a nine-member commission to advise the Mayor on the administration of this fund; *and*

Bill 78
(Draft 2): Amends Chapter 2 of the Hawai'i County Code, as Amended, Relating to Public Access, Open Space, and Natural Resources Preservation Fund;

Intr. by: Mr. Jacobson

AMENDED TO DRAFT 3 & PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED: None.

and

- Comm. 208.70: From Council Member Pete Hoffmann, dated May 11, 2005, proposing an amendment designed to ensure that the Preservation Fund has a specified amount appropriated each year for five years, that a cap is placed on the fund, and that "leveraging" is highlighted as a preferred method for expenditures; *and*
- Comm. 208.68: From Marjorie Erway, dated May 10, 2005; *and*
- Comm. 208.69: From Bob Nelson, President, Kona Soil and Water Conservation District, dated May 12, 2005; *and*
- Comm. 208.71: From Bob Wagner, Director of State Policy and Field Programs, American Farmland Trust, dated May 16, 2005; *and*
- Comm. 208.72: From Janice Crowl-Planas, dated May 17, 2005; *and*
- Comm. 208.73: From Lorraine Kohn, dated May 17, 2005; *and*
- Comm. 208.74: From Janan M. Malinowski, dated May 17, 2005; *and*
- Comm. 208.75: From Marianne Maynard, dated May 17, 2005; *and*
- Comm. 208.76: From Kim Murphy, dated May 17, 2005; *and*
- Comm. 208.77: From Marilyn Hopkins-Wills, dated May 10, 2005; *and*
- Comm. 208.78: From Laura Brezinsky, Ph.D., Executive Director, Ku 'Ohi'a Laka Rainforest Reserve, dated May 18, 2005; *and*
- Comm. 208.79: From Duane D. Erway, Plan to Protect Kona, dated May 18, 2005; *and*
- Comm. 208.80: From Jacqui Hoover, President, Hawai'i Leeward Planning Conference, dated May 17, 2005; *and*
- Comm. 208.81: From Bill Kunstman, Hawai'i Island Coordinator, DPAG, dated May 18, 2005; *and*
- Comm. 208.82: From Randyl Rugar, dated May 18, 2005; *and*
- Comm. 208.83: From Frank Patton, dated May 18, 2005; *and*
- Comm. 208.84: From Judith Tarbet, dated May 18, 2005; *and*
- Comm. 208.85: From Ingrid Tillman, dated May 17, 2005; *and*
- Comm. 208.86: From Marshall Blann, dated May 11, 2005; *and*
- Comm. 208.87: From Margaret Spelman, dated May 11, 2005; *and*
- Comm. 208.88: From Peggy Ratliff, undated; *and*
- Comm. 208.89: From Vicky Kometani, dated May 13, 2005; *and*
- Comm. 208.90: From Thalia Davis, dated May 12, 2005; *and*
- Comm. 208.91: From Janice Palma-Glennie, dated May 18, 2005; *and*

- Comm. 208.92: From Bob and Pat Aeder, dated May 16, 2005; *and*
 Comm. 208.93: From Jamie Moana Kawauchi, dated May 16, 2005; *and*
 Comm. 208.94: From Michael Kramer, Accredited Investment Fiduciary Natural Investment Services, dated May 15, 2005; *and*
 Comm. 208.95: From Karen M. Martin, First Vice President, Waimea Outdoor Circle, dated May 13, 2005; *and*
 Comm. 208.96: From Marjorie Ziegler, Executive Director, Conservation Council for Hawai'i, dated May 12, 2005; *and*
 Comm. 208.97: From Laurie Saarinen, dated May 17, 2005; *and*
 Comm. 208.98: From Nancy Molitor, dated May 16, 2005; *and*
 Comm. 208.99: From Diana Wolking, dated May 16, 2005; *and*
 Comm. 208.100: From Gail W. Jackson and William B. Simonsma, dated May 16, 2005; *and*
 Comm. 208.101: From Karen Bender, dated May 16, 2005; *and*
 Comm. 208.102: From Star Mullins, dated May 16, 2005; *and*
 Comm. 208.103: From Mona-Bishaw, dated May 16, 2005; *and*
 Comm. 208.104: From Connie Green, dated May 17, 2005; *and*
 Comm. 208.105: From John Schneider, dated May 16, 2005; *and*
 Comm. 208.106: From Gail Byrne, MSCE, dated May 18, 2005; *and*
 Comm. 208.107: From 22 individuals via telephone log; *and*
 Comm. 208.108: From Katherine Ross, dated May 17, 2005; *and*
 Comm. 208.109: From Olivia S. Y. Ling, dated May 17, 2005; *and*
 Comm. 208.110: From Kim Tavares, Hawai'i Invasive Species Management and Education Corporation, dated May 18, 2005; *and*
 Comm. 208.111: From Lei Kihoi-Dunne, dated May 18, 2005; *and*
 Comm. 208.112: From Cheryl Reeser, dated May 18, 2005; *and*
 Comm. 208.113: From Karin Hazelhoff, dated May 18, 2005; *and*
 Comm. 208.114: From Karen De Soto, dated May 16, 2005; *and*
 Comm. 208.116: From Josephine Keliipio, dated May 18, 2005; *and*
 Comm. 208.117: From Elizabeth Star and Ardeth Weed, dated May 18, 2005; *and*
 Comm. 208.118: From (illegible), Operations Manager, NELHA, dated May 18, 2005; *and*
 Comm. 208.119: From Madelane Suarez, dated May 18, 2005; *and*
 Comm. 208.120: From Connie Zahalka, dated May 18, 2005.

Bill 83: Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004 to June 30, 2005. {Adds PARKS AND RECREATION: Pāhala Swimming Pool Improvements (\$85,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (Council Contingency Relief) (\$85,000).}

Re: Comm. 222
 Intr. by: Mr. Jacobson
 1st Reading: May 18, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED: None.

Bill 84: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) Relating to Vehicles and Traffic. {Converts a portion of Sarona Road's east section to two-way traffic and prohibits left turns at Kuakini Highway.}

Re: Comm. 223
 Intr. by: Mr. Ikeda (B/R)
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 85: Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004 to June 30, 2005. {Adds PUBLIC WORKS: Waipi'o Valley Stream Debris Removal (\$50,000); funds to be provided from Federal Grants Receivable (\$50,000). Funds would be used to remove debris from the streams in Waipi'o Valley that were deposited by the April 2004 flood.}

Re: Comm. 226
 Intr. by: Ms. Isbell
 1st Reading: May 18, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 86: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Transfer from General Fund (\$172,000); appropriates to the following: Streetlights Other Current Expense (Districts 2, 3, & 4; Ainaloa Subdivision) (\$135,000) and Puna Road Other Current Expense (Volcano Charter School's Shoulder Paving) (\$37,000), for a total of \$172,000.}

Re: Comm. 227
 Intr. by: Ms. Isbell
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 87: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Contribution/Donation from Private Source (\$500); appropriates same to Police Administration Division – Other Current Expense.}

Re: Comm. 228
 Intr. by: Ms. Isbell
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 90: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Transfer from General Fund (\$7,140); appropriates same to Recycling Program (Hāwī Recycling Facility Upgrade).}

Re: Comm. 232
 Intr. by: Ms. Isbell
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 91: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in State Grants – Used Oil Collection/Disposal (\$12,500); appropriates same to Used Oil Collection/Disposal – State. Funds would be used to conduct education and public outreach for the used oil collection program.}

Re: Comm. 233
 Intr. by: Ms. Isbell
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 103: Amends the Parks and Recreation Facility Schedule, Chapter 15, Section 15-(), Hawai'i County Code 1983 (1995 Edition), Regarding Naming the Playground Located at Lincoln Park as the "Dr. Ruth E. Oda Playground" in Honor of Dr. Ruth Eiko Oda.

Re: Comm. 258
 Intr. by: Mr. Higa
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 104: Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004 to June 30, 2005. { Adds PARKS AND RECREATION: Waiākea-Uka Park Comfort Station (\$20,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$20,000). Funds would be used for the construction of a comfort station in Waiākea-Uka Park. }

Re: Comm. 263
 Intr. by: Mr. Arakaki
 1st Reading: May 18, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 106: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Transfer from General Fund (\$36,602); appropriates same to Streetlights Other Current Expense (Kailua Village & Puna *Makai* Subdivision). Funds would be used for streetlights in the Puna *Makai* Subdivision and for five streetlights in Kailua Village – District 8. }

Re: Comm. 271
 Intr. by: Ms. Isbell (B/R)
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 107: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Federal Grants – Workforce Investment Act 2005 (\$1,719,272); appropriates to the following: Workforce Investment Act – Administration Planning 2005-06 (\$171,927), Workforce Investment Act – Adult Program 2005-06 (\$565,943), Workforce Investment Act – Dislocated Worker Program 2005-06 (\$399,866), and Workforce Investment Act – Youth Program 2005-06 (\$581,536), for a total of \$1,719,272.}

Re: Comm. 273
 Intr. by: Mr. Hoffmann
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 108: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Federal Grants – Workforce Investment Act (\$48,438); appropriates same to Workforce Investment Act – Administration/Planning 04-05.}

Re: Comm. 274
 Intr. by: Mr. Hoffmann
 1st Reading: May 18, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

STATEMENTS FROM THE PUBLIC ON REPORTS

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ended April 30, 2005.

APPROVED

FC-101 (Comm. 260): Recommends the acceptance of a monetary donation of \$10,590 to the Department of Public Works to help defray the expense for materials to pave Ehukai Street in Keauhou donated by the Sheraton Keauhou Bay Resort and Spa.

APPROVED

STATEMENTS FROM THE PUBLIC ON REFERRALS FOR EXECUTIVE SESSION

REFERRALS FOR EXECUTIVE SESSION

(The purpose of the meeting is to consult with Corporation Counsel relating to matters involving potential County liability, as authorized by Sections 92-4 and 92-5, HRS. Note: 2/3 Vote – Pursuant to §92-4, HRS, and Rule 12 of Rules of Procedure of the County Council.)

Comm. 280: REQUEST FOR REPRESENTATION OF CAPTAIN LAWRENCE BALBERDE, OFFICERS MICHAEL HARDIE, SHERRY BIRD, WALTER AH MOW, MICHAEL CORUM, SHARLOTTE BIRD, THOMAS SHOPAY AND CHAD TANIYAMA *THOMAS SCHMIDT V. HAWAI'I COUNTY POLICE DEPARTMENT, ET. AL., CV 04-00573 SPK/KSC*
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated May 12, 2005.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

Comm. 288: FRANCINE KELEKOLIO V. KAPONOLANI MACHADO; CIVIL NO. 04-1-0025K
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated May 23, 2005.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

OTHER BUSINESS

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTS

	<u>TUESDAY, JUNE 14, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, JUNE 15, 2005</u>	
COUNCIL	9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA
	<u>WEDNESDAY, JULY 6, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>THURSDAY, JULY 7, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

STATEMENTS FROM THE PUBLIC/ADJOURNMENT 7:42 p.m.

Note: B/R, as listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation "By Request" and on behalf of the requesting party; however, it does not necessarily signify their support of or opposition to the proposal.)

The meeting place is accessible for persons with physical disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by May 31, 2005. Persons using TDDs may call 961-8521. Copies may be viewed at the Hawai'i County Services Office at 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i 96740; at the Office of the County Clerk at 25 Aupuni Street, Hilo, Hawai'i 96720; and the Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740.

Note: Videoconference from the Kona Mayor's Office and the Pāhoā Neighborhood Facility is available for this meeting.

Submitting Testimony: Those persons wishing to testify in person or by videoconference must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony at the meeting in Hilo should bring **sixteen (16)** copies of the testimony for distribution at the meeting. Those testifying by videoconference from the Mayor's Office in Kailua-Kona, located at Hanama Place, 75-5706 Kuakini Hwy., Suite 103, and the Pāhoā Neighborhood Facility should bring one copy of the testimony. Those persons unable to testify in person or by videoconference may submit testimony (1) by mail to the County Clerk's Office in Hilo at the above address, (2) by facsimile to (808) 961-8912, or (3) by e-mail to counciltestimony@co.hawaii.hi.us. Copies will be made and distributed at the meeting when transmitted in a timely manner. In any case, both oral and written testimony will be considered public record.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, June 8, 2005, at 6 p.m.; Sunday, June 12, 2005, at 10:30 a.m.; and Wednesday, June 15, 2005, at 6 p.m.

(Hawai'i Tribune Herald – May 31, 2005)
(West Hawai'i Today – May 31, 2005)